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#4

14 NOV 1996

Jeff J. Staggs  
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Denver, Colorado 80231

In re Application of  
STAGGS

Application No.: 08/338,489

PCT No.: PCT/US93/04763

Int. Filing Date: 19 May 1993

Priority Date: 21 May 1992

Attorney's Docket No.: None

For: THERAPEUTIC USES OF PUNGENT BOTANICALS:  
AND THEIR RELATED COMPOUNDS

:  
: DECISION ON  
:  
: PETITION  
:  
: UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 17 November 1995 in the above-captioned application is hereby **DISMISSED** as follows:

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed within one year of the date on which the application became abandoned or within three months of the date of the first decision on a petition under 37 CFR 1.137(a) filed within one year of the date of abandonment of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the delay was unintentional, (2) a proposed response, and (3) the petition fee required by law (37 CFR 1.17(m)). Applicant's have satisfied items (1) and (3) above.

Regarding item (2) above, applicant has not filed the required basic national fee. On 18 November 1994, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by \$330 towards the basic national fee as required by 35 U.S.C. 371(c)(1). An oath or declaration as required by 35 U.S.C. 371(c)(4) was not filed. On 17 November 1995, applicant filed the present petition accompanied by the petition fee and a small entity statement. At the time the small entity statement was submitted the small entity basic national fee was \$340. Therefore, the small entity basic national fee has not been paid. Presently, the small entity basic national fee is \$350. Therefore, applicant owes an additional \$20. Furthermore, applicant has not filed an oath or declaration as required by 35 U.S.C. 371(c)(4) nor the \$65 surcharge required for submitting an oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e).

Furthermore, applicant owes the following excess claims fees:

extra independent (over three)	12 x \$40= \$480
extra total (over twenty)	502 x \$11=\$5522
multiple dependent claim fee	\$130
TOTAL	\$6132

Applicant is required to pay the additional fees or cancel the claims by amendment.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." The renewed petition should be accompanied by an oath or declaration, the remainder (\$20) of the basic national fee, the \$65 surcharge for submitting an oath or declaration later than 30 months from the priority date, the payment of the excess claim fees or an amendment cancelling the excess claims. No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Office



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